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Dec 05 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

\_\_\_\_\_  
Yamilette Albertson, on her own behalf and on behalf of her children, Y., A., and J.; and  
Constantine Shulikov, on his own behalf and on behalf of his children, A., E., P., N., and V.  
..... Petitioners,

v.

Ellen Weaver, in her official capacity as State Superintendent of Education, .....Respondent.

\_\_\_\_\_  
**AFFIDAVIT OF CONSTANTINE SHULIKOV IN SUPPORT OF PETITIONERS’  
PETITION FOR ORIGINAL JURISDICTION AND EXPEDITED CONSIDERATION**  
\_\_\_\_\_

I, Constantine Shulikov, submit the following testimony under oath:

1. I am a citizen of the United States over eighteen years of age, and a resident of Moore, South Carolina. I am of sound mind and fully competent to make this affidavit, which I make knowingly and based on my personal knowledge.

2. I submit this affidavit in support of Petitioners’ Petition for Original Jurisdiction and Expedited Consideration.

3. I work in education. For over two decades, I have worked at one company as an instructional designer. I produce training materials that help fellow employees learn how to do different tasks at work. It is meaningful work that has shown me how people learn and absorb information differently.

4. I am currently the sole breadwinner in my home. My wife homeschools two of our children.

5. Over the years, my wife and I have tried different kinds of schooling for our children. Some of our children have been homeschooled while others have attended public or private school. In each circumstance, my wife and I have simply tried to choose the best education for each of our children, who are individuals with different needs.

6. Last year, my children A., E., P., N., and V. attended a public charter school. Although the education the school provided was adequate, my wife and I felt like our children weren't reaching their full potential. We wanted something better for A., E., P., N., and V.—better teachers, smaller class sizes, and an education that reflected our family's values.

7. When my wife and I learned about the Education Scholarship Trust Fund ("ESTF") Program, it showed us a whole new world of possibilities. We immediately applied for scholarships for A., E., P., N., and V. and started researching schools.

8. The school we eventually settled on was Westgate Christian School in Spartanburg. The reason we liked it was because the school had small class sizes, a child-focused education, and religious values that aligned with our family's. When our children were awarded scholarships, we used the scholarships to enroll them at the school.

9. The difference in our children since enrolling in the school has been remarkable. They are excited about going to school. They love their teachers and the friends they made. Whereas before they felt lost in the crowd, now they feel like they get one-on-one attention. Each day, they come home brimming with new ideas, excited to share with us what they learned.

10. On September 11, 2024, I learned about the South Carolina Supreme Court's decision in *Eidson v. South Carolina Department of Education* and the South Carolina Department of Education's policy and practice prohibiting use of ESTF funds for private school tuition and fees. ClassWallet, the ESTF program administrator, sent an email to my family on behalf of the

Department, with the Department's seal, stating: "Today, the South Carolina Supreme Court ruled that sections of South Carolina's Education Scholarship Trust Fund (ESTF) program are unconstitutional. The practical impact of this decision is that – while expenses like tutoring, therapies, and other items remain eligible for purchase – as of today, **funds from this program may no longer be used for future tuition or fee payments to nonpublic schools.**" Attached as Exhibit A to this affidavit is a true and correct copy of the email. I did not alter or amend the email in any way.

11. On October 11, 2024, ClassWallet sent another email to my family, also on behalf of the Department, with the Department's seal. The email stated: "[W]hile families are no longer able to use ESTF funds for non-public, independent school tuition and fees, **funds can still be used for other allowed expenses like tutoring, therapies, curriculum, educational materials and technology.**" Attached as Exhibit B to this affidavit is a true and correct copy of the email I received. I did not alter or amend the email in any way.

12. When my wife and I learned about the decision in *Eidson* and the policy and practice subsequently adopted by the Department, we were shocked. Our children had made enormous progress at a school they attended for less than a year, but now that progress was being threatened. After getting a taste of a better education, our children were now at risk of being sent to schools that weren't right for them.

13. Despite this change in circumstance, I want to keep my children in their school. I hope and expect to be able to rely on my family's resources, as well as help from private donors, to make tuition payments for the remainder of the academic year. However, I have no guarantee that they will suffice. What *is* guaranteed is that my family will incur great financial hardships

for the remainder of the academic year, as the school charges tuition on an ongoing basis, and the scholarships can no longer be used to pay for it. We are scraping by, but it is a struggle.

14. Starting on January 15, 2025, I will have a short window in which I can re-apply for the scholarships and I intend to do so. As part of the application process, I must sign an agreement with the Department promising not to enroll my children in public school. If I do not sign the agreement, the Department will not approve the application. This is not the only upcoming deadline I face. I will also have to tell the school by February 28, 2025 whether I plan to re-enroll my children next year. If I am unable to tell them, with certainty, that I plan to re-enroll my children, then their spots at the school will be at risk.

15. If the Department's policy and practice are not changed or enjoined, I will be unable to use the ESTF scholarships to pay for tuition and fees at my children's private school. If they are not changed or enjoined, I will also lose the opportunity to apply for, and receive, ESTF scholarships that I can use to pay for tuition and fees at my children's private school in the future.

16. Thinking about the future has put me under great financial and psychological strain. If the ESTF Program does not go back to what it was before, I will be faced with a choice. I will either have to endure tremendous financial hardship or, most likely, withdraw my children from Westgate and re-enroll them in public schools—public schools that, to me, do not provide the best education for my children—following the conclusion of the school year.

17. As a parent, this is heartbreaking. I dread the prospect of having to send my children back to a public school that isn't right for them, that doesn't deliver the same kind of education, and that doesn't provide the same religious education that my wife and I want them to have. The

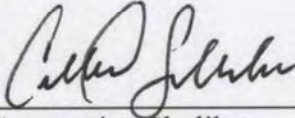
things I value most for my children at their private school—better teachers, smaller class sizes, and an education that reflects our family’s values—will disappear.

18. I just want my children to attend the school I believe works best for them. But because of the Department’s newly adopted policy and practice barring use of ESTF scholarships to pay for tuition and fees at private schools, I cannot use the scholarships at the school simply because it is a private school. This is very frustrating because it is only by using the scholarships for the private school’s tuition and fees that the school is affordable for me. I know that the scholarships can still be used for expenses like textbooks and curricula, which would be particularly useful if my wife and I wanted to homeschool A., E., P., N., and V. or hire tutors for them, but that’s not what we want. While my wife is currently homeschooling two of our children, there is no way that she could homeschool all of them. But even if she could, that is not how we want to educate each of our children.

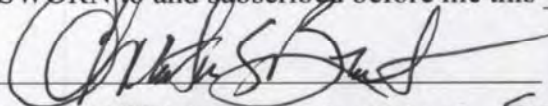
19. If my wife and I had chosen to homeschool all our children, have them tutored, or have them attend an out-of-district public school, we would be able to use the scholarships for the attendant expenses. But because of the Department’s policy and practice, my wife and I cannot use our children’s scholarships for the education we know is best for them: private schooling.

20. This testimony is true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Constantine Shulikov

SWORN to and subscribed before me this 4th day of December, 2024.

  
\_\_\_\_\_  
Notary Public in and for the State of South Carolina.

My commission expires June 24, 2025



**RECEIVED**

**Dec 05 2024**

S.C. SUPREME COURT

# **Exhibit A**

Affidavit of Constantine Shulikov in Support of  
Petitioners' Petition for Original Jurisdiction and Expedited Consideration

**From:** South Carolina Department of Education | ClassWallet <[info@classwallet.com](mailto:info@classwallet.com)>

**Date:** September 11, 2024 at 7:03:27 PM EDT

**To:** [alionashulikov@yahoo.com](mailto:alionashulikov@yahoo.com)

**Subject:** South Carolina Supreme Court Ruling

**Reply-To:** South Carolina Department of Education | ClassWallet <[info@classwallet.com](mailto:info@classwallet.com)>

Info about your ClassWallet account

[View this email in your browser](#)



CLASSWALLET



On behalf of the South Carolina Department of Education (SCDE)

Dear ESTF Parent:

Today, the South Carolina Supreme Court ruled that sections of South Carolina's Education Scholarship Trust Fund (ESTF) program are unconstitutional.

The practical impact of this decision is that – while expenses like tutoring, therapies, and other items remain eligible for purchase – as of today, **funds from this program may no longer be used for future tuition or fee payments to nonpublic schools**. No parent will be expected to repay any funds spent prior to today's ruling.

We share your confusion and frustration over this decision, and we are committed to doing everything in our power to support the least disruptive path forward for your student.

We will be in contact with you and your school in the coming days as we gather more information on a potential path forward. We strongly urge you to communicate directly with your child's school to discuss this situation as well.

Respectfully,

The SCDE Team



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# **Exhibit B**

*Affidavit of Constantine Shulikov in Support of  
Petitioners' Petition for Original Jurisdiction and Expedited Consideration*

**From:** South Carolina Department of Education | ClassWallet <[info@classwallet.com](mailto:info@classwallet.com)>

**Date:** October 11, 2024 at 12:14:36 PM EDT

**To:** [alionashulikov@yahoo.com](mailto:alionashulikov@yahoo.com)

**Subject:** Important Update from the South Carolina Department of Education

**Reply-To:** South Carolina Department of Education | ClassWallet <[info@classwallet.com](mailto:info@classwallet.com)>

Info about your ClassWallet account

[View this email in your browser](#)



CLASSWALLET



On behalf of the South Carolina Department of Education (SCDE)

Dear ESTF Parent:

As a reminder, **funding for Q2 (\$1,500) will be deposited into each participating student's ESTF account on or before October 31st.** In addition, while families are no longer able to use ESTF funds for non-public, independent school tuition and fees, **funds can still be used for other allowed expenses like tutoring, therapies, curriculum, educational materials and technology.**

The Department continues to work closely with the Governor, General Assembly and others to find a solution for all families affected by the September court ruling and we expect to have more news soon.

Respectfully,  
The SCDE Team

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